IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5759 of 2005

Between:

S.S.S. Prakash Rao S/o Late Appa Rao
R/o D. No. 56-18-4, Golla Kancharapalem, Visakhapatnam

..... PETITIONER

AND

1 The Commissioner of Municipal Corporation, Viskhapatnam
2 Muthyala Rao S/o Appanna
R/o D. No. 56-19/10/1, Gollakancharapallem, Viskhapatnam

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st Respondent in not taking any action against the illegal running of Kharkhana is House bearing No. 56-19-10/1, Golla Kancharapalem, Visakhapatnam by the 2nd respondent in a residential localtiy which is spoiling the health of the residents as highly illegal, arbitrary and unjustified with a direction to the 1st respondent to take necessary immediate action against the 2nd respondent for running Kharkhana in the said locality.

Counsel for the Petitioner:MR.M.V.S.SAI KUMAR

Counsel for the Respondent No.1: MR.N.RANGA REDDY (SC FOR MNICIPAL CROP. VSP.)

Counsel for the Respondent No.2 : None appeared.

The Court at the stage of admission made the following :

ORDER:

This writ petition is filed aggrieved by the alleged inaction on the part of the first respondent-Commissioner of Municipal Corporation, Visakhapatnam in considering the representations made by the petitioner dated 01.08.2002 and 15.06.2004 complaining about carrying on unauthorized Kharkhana business by the second respondent in the premises bearing Door No.
56-19/10/1, Golla Kancharapalem, Visakhapatnam.

Having heard the learned counsel for the petitioner, the learned Standing Counsel appearing for the Municipality, and having regard to the nature of the controversy involved in the writ petition, without expressing any opinion as to the correctness of the allegations made by the petitioner, the writ petition is disposed of with a direction to the first respondent to consider the representations of the petitioner dated 01.08.2002 and 15.06.2004 and to pass appropriate orders, in accordance with law, after affording due opportunity to the second respondent to rebut the allegations made by the petitioner, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

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21.03.2005

Note : Furnish C.C. in one week

(B/O)

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To

1. The Commissioner of Municipal Corporation, Viskhapatnam.
2. 2 CD copies